

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 96-CR-80076
Honorable Denise Page Hood

JEANNE DECKER,

Defendant.

/

ORDER DENYING MOTION TO AMEND RULE 11 PLEA AGREEMENT

This matter is before the Court on Defendant Jeanne Decker's Motion to Amend the May 1999 Rule 11 Plea Agreement. Decker was committed to the custody of the Bureau of Prisons after violating conditions of supervised release. Decker was sentenced to 18 months to run concurrently with any state sentence that Decker was then serving. For the reasons stated below, Decker's Motion to Amend the Rule 11 Plea Agreement is DENIED.

Decker argues that she was lead to believe that the Rule 11 plea agreement would include all her Florida charges. She then states that she was not even aware of any warrant in Florida. A plea agreement is essentially a contract and, therefore, principles of contract law govern enforcement of a plea agreement. *United States v. Moncivais*, 492 F.3d 652, 662 (6th Cir. 2007). Decker does not argue that the government breached her plea agreement. Nor does she explain why she believed that charges that she was not aware of were included in the plea agreement. A plea agreement is made between the defendant and the government; the Court cannot participate. See *United States v. Barrett*, 982 F.2d 193, 195 (6th Cir. 1992). The Court may accept or reject a plea agreement, but it cannot modify it. See Fed. R. Crim. Pro. 11(c); *United States v. Green*,

595 F.3d 432, 438 (2d Cir. 2010); *United States v. Fleming*, 239 F.3d 761, 765 (6th Cir. 2001) (“An attempt to rewrite the plea agreement from the bench would fall squarely into the category of prohibited participation.”)

Accordingly,

IT IS ORDERED that Jeanne Decker’s Motion to Amend Rule 11 Plea Agreement [Docket No. 64, filed March 21, 2011] is **DENIED**.

Dated: December 28, 2012

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

I hereby certify that a copy of the foregoing document was sent to parties of record on December 28, 2012, electronically and/or by U.S. mail.

s/ Michael Williams
Relief Case Manager for the
Honorable Denise Page Hood